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38834 7590 09/11/2008

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER

NGUYEN, HAI V

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 09/11/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,677

09/07/2006

Michiaki Koizumi

062981

8754

TITLE OF INVENTION: MOBILE TERMINAL, METHOD FOR RECORDING/REPRODUCING BROADCAST IN MOBILE TERMINAL, AND BROADCAST RECORDING/REPRODUCTION PROGRAM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	12/11/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

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A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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38834 7590 09/11/2008

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

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(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,677 09/07/2006 Michiaki Koizumi 062981 8754

TITLE OF INVENTION: MOBILE TERMINAL, METHOD FOR RECORDING/REPRODUCING BROADCAST IN MOBILE TERMINAL, AND BROADCAST RECORDING/REPRODUCTION PROGRAM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	12/11/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
NGUYEN, HAI V	2618	455-003060

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,677	09/07/2006	Michiaki Koizumi	062981	8754
38834	7590	09/11/2008	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			NGUYEN, HAI V	
			ART UNIT	PAPER NUMBER
			2618	
DATE MAILED: 09/11/2008				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 120 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 120 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/598,677	KOIZUMI ET AL.	
	Examiner	Art Unit	
	HAI V. NGUYEN	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05 June 2008.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's agent, Mr. Joseph W. Iskra, registration # 57,485 on 08 September 2008.

The application has been amended as follows:

AMENDMENTS TO THE CLAIMS

This listing of claims replaces all prior versions of claims in the application.

1. (Currently Amended): A mobile terminal having a broadcast program receiving function in addition to a communication function, comprising:

a memory;

a recording unit operable, when playback of a broadcast program being received is disabled by the communication function, to record the broadcast program in the memory as broadcast data including audio data and video data[[,]] with the communication function having priority over the playback; and

a playback unit operable, when the disabled playback changes to be enabled, to play back the broadcast data.

2. (Previously presented): The mobile terminal of Claim 1, wherein the playback is disabled either on receipt of an incoming call having priority over the playback, or on commencement of a call, and the disabled playback changes to be enabled when the call ends.

3. (Previously presented): The mobile terminal of Claim 2, wherein the playback unit includes a first playback subunit operable to receive a specification of a playback speed from a user and play back the recorded broadcast data at the specified playback speed.

4. (Previously presented): The mobile terminal of Claim 3, wherein the first playback subunit includes:

a standard playback subunit operable to play back the recorded broadcast data at a standard playback speed equal to an original playback speed of the broadcast program;

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and

a high-speed playback subunit operable to play back the broadcast data at a playback speed higher than the standard playback speed.

5. (Previously presented): The mobile terminal of Claim 4, wherein the first playback subunit further includes a special playback subunit operable to perform slow playback and reverse playback during the playback of the recorded broadcast data.

6. (Previously presented): The mobile terminal of Claim 5, wherein the high-speed playback subunit includes a calculation subunit operable to receive a remaining playback time period from the user, and calculate, based on a predetermined formula, a playback speed indicating a number of frames to be played back per second, and the high-speed playback subunit reads the broadcast data from the memory, and plays back the read broadcast data at the calculated playback speed.

7. (Previously presented): The mobile terminal of Claim 6, wherein when another incoming call is received during the playback or when another call starts, the playback unit interrupts the playback, the calculation subunit recalculates a playback speed based on the predetermined formula, and an output subunit outputs the recorded broadcast data from an interrupted part, to a monitor at the re-calculated playback speed.

8. (Previously presented): The mobile terminal of Claim 7, wherein the predetermined formula used by the calculation subunit is [formula 1]

$$x_n = x_0 + \frac{1}{t_R} \sum_{i=1}^n (x_0(t_i + P_{i-1}) - x_{i-1}P_{i-1})$$

, where

x_n is a reading speed at which the output subunit reads the video data from the memory after an end of a number of n calls [frame/sec],

x_0 is a number of frames to be played back per second at the standard playback speed, i.e. a reading speed at which the video data to be read from the memory [30 fps],

t_R is a specified remaining high-speed playback time period (a chasing playback time period) [sec],

t_i is a duration of an i -th call [sec], and

P_i is a high-speed playback time period after an end of the i -th call [sec].

9. (Previously presented): The mobile terminal of Claim 6, wherein the predetermined formula used by the calculation subunit is [formula 1]

$$x_n = x_0 + \frac{1}{t_R} \sum_{i=1}^n (x_0(t_i + P_{i-1}) - x_{i-1}P_{i-1})$$

, where

x_n is a reading speed at which the output subunit reads the video data from the memory after an end of a number of n calls [frame/sec],

x_0 is a number of frames to be played back per second at the standard playback speed, i.e. a reading speed at which the video data to be read from the memory [30 fps],

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t_R is a specified remaining high-speed playback time period (a chasing playback time period) [sec],

t_i is a duration of an i-th call [sec], and

P_i is a high-speed playback time period after an end of the i-th call [sec].

10. (Previously presented): The mobile terminal of Claim 4, wherein the high-speed playback subunit includes a calculation subunit operable to receive a remaining playback time period from the user, and calculate, based on a predetermined formula, a playback speed indicating a number of frames to be played back per second, and the high-speed playback subunit reads the broadcast data from the memory, and plays back the read broadcast data at the calculated playback speed.

11. (Previously presented): The mobile terminal of Claim 10, wherein when another incoming call is received during the playback or when another call starts, the playback unit interrupts the playback, the calculation subunit recalculates a playback speed based on the predetermined formula, and

an output subunit outputs the recorded broadcast data from an interrupted part, to a monitor at the re-calculated playback speed.

12. (Previously presented): The mobile terminal of Claim 11, wherein the predetermined formula used by the calculation subunit is [formula 1]

$$x_n = x_0 + \frac{1}{t_R} \sum_{i=1}^n (x_0 (t_i + P_{i-1}) - x_{i-1} P_{i-1})$$

, where

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x_n is a reading speed at which the output subunit reads the video data from the memory after an end of a number of n calls [frame/sec],

x_0 is a number of frames to be played back per second at the standard playback speed, i.e. a reading speed at which the video data to be read from the memory [30 fps],

t_R is a specified remaining high-speed playback time period (a chasing playback time period) [sec],

t_i is a duration of an i -th call [sec], and

P_i is a high-speed playback time period after an end of the i -th call [sec].

13. (Previously presented): The mobile terminal of Claim 10, wherein the predetermined formula used by the calculation subunit is [formula 1]

$$x_n = x_0 + \frac{1}{t_R} \sum_{i=1}^n (x_0 (t_i + P_{i-1}) - x_{i-1} P_{i-1})$$

, where

x_n is a reading speed at which the output subunit reads the video data from the memory after an end of a number of n calls [frame/sec],

x_0 is a number of frames to be played back per second at the standard playback speed, i.e. a reading speed at which the video data to be read from the memory [30 fps],

t_R is a specified remaining high-speed playback time period (a chasing playback time period) [sec],

t_i is a duration of an i -th call [sec], and

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P_i is a high-speed playback time period after an end of the i -th call [sec].

14. (Previously presented): The mobile terminal of Claim 4, wherein when broadcasting of the broadcast program being played back ends, the recording unit stops recording the broadcast program.

15. (Previously presented): The mobile terminal of Claim 4, wherein the playback unit further includes a second playback subunit operable, when the specification of the playback speed is not received, to play back the recorded broadcast data at a default playback speed suitable for hearing audio.

16. (Previously presented): The mobile terminal of Claim 3, wherein the playback unit further includes a second playback subunit operable, when the specification of the playback speed is not received, to play back the recorded broadcast data at a default playback speed suitable for hearing audio.

17. (Previously presented): The mobile terminal of Claim 16, wherein the second playback subunit plays back the recorded broadcast data at a playback speed within a range from 1.0 time to 2.0 times the standard playback speed.

18. (Previously Presented): The mobile terminal of Claim 15, wherein when the playback of the recorded broadcast data by the second playback subunit or the high-speed playback subunit catches up with the real-time broadcast, or when broadcasting of the broadcast program being played back ends during the playback of the recorded broadcast data by the standard playback subunit, the recording unit stops recording the broadcast program.

19. (Previously presented): A method for recording and playing back a broadcast

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program in a mobile terminal having a broadcast program receiving function in addition to a communication function, the method comprising the steps of:

recording, when playback of a broadcast program being received is disabled by the communication function, the broadcast program in the memory as broadcast data including audio data and video data with the communication function having priority over the playback; and

playing back, when the disabled playback changes to be enabled, the broadcast data.

20. (Previously presented): A program embodied in a computer usable medium, comprising: said program is configured to cause a processor of a mobile terminal to execute the steps of:

recording, when playback of a broadcast program being received is disabled by a communication function, the broadcast program in memory as broadcast data including audio data and video data with the communication function having priority over the playback; and

playing back, when the disabled playback changes to be enabled, the broadcast data.

21. (Currently Amended): A mobile terminal comprising:

a broadcast wave receiving unit operable to receive a broadcast wave;

a playback unit operable to play back broadcast data including audio data and video data, based on the broadcast wave;

a recording unit operable to record the broadcast data when the playback of the broadcast data by the playback unit is interrupted by execution of a communication function that has priority over the playback;

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a control unit operable, when the playback is restarted, to control the playback unit to display, on a display, video data of a predetermined part of the recorded broadcast data and information that urges input of an instruction to play back the recorded broadcast data, wherein

the playback unit is able to play back the recorded broadcast data at a standard playback speed and a playback speed higher than the standard playback speed.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:
3. The primary reason for allowance of the claims is the inclusion of the elements of *"a recording unit (Figure 1, element 113) operable, when playback of a broadcast program being received is disabled by the communication function, to record the broadcast program in the memory (Figure 1, element 114) as broadcast data including audio data and video data, with the communication function having priority over the playback"* in independent claims 1, 19, 20 and *"a recording unit (Figure 1, element 113) operable, when playback of the broadcast data by the playback unit (Figure 1, element 113) is interrupted by execution of a communication function that has priority over the playback"* in independent claim 21 and of Applicant's remarks on pages 13-14 received on 05 June 2008.
4. The prior art are also silent of that element as explained below:

Holleman et al. US 2006/0215847 A1 only discloses in Figure 1 that, *"The mobile device 100 having several functions or capabilities that alter, for example, the reproduction process, like a function to start playing the next track of a playlist, or jump to the next channel or station, or change a volume level, or change the reproduction speed, or start or stop a communication, etc. Another way of switching between applications may not initiated by the user, but by the system, e.g. on an incoming phone call or some other event. As soon as the incoming phone call is detected, the ring tone may be sounded, potentially mixed with the active sound source, e.g. MP3 playback.*

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While the incoming phone call is communicated to the user, the controls are mapped to the phone application rather than the audio playback application. In the phone application, touching the right earpiece could be mapped on answering the call and the left earpiece could be mapped to hanging up. As the user picks up the call, the playback of the music may be paused, [00025], [0047]".

Wada et al. US 2006/0083484 A1 only discloses that, *"The program erasure priority criterion is a combination of the playback number and the broadcast state date and time. That is to say , the programs are categorized into any of the groups: "playback once", "playback twice or more", "no playback" and "set for recording" according to the playback number and the recording condition while the erasure priority becomes higher in the order of "playback one", "playback twice or more", "no playback" and "set for recording". In addition, within the same group that earlier the broadcast start date and time the higher the erasure priority given to the program, [0180]".*

Borgward US 2005/0042983 A1 only discloses in Figures 32 that, *"A mobile device having a two-part structure composing of a display and operator control unit 127030 and a wearable computer unit 127010. If the display and operator control unit is embodied with a touch screen, the user can easily carry out input operations with the thumb of the hand with which his is holding the unit. Alternatively, operator control using an input pen (not illustrated) can also be provided. In one development, the microphone/headset unit 127050 has a switching device 127060 with which, for example, music playback can be switched off and incoming telephone call connected.*

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After the end of the telephone call, the music playback can be switched on again by activating again, [0300]".

Yap et al. US 2003/0043260 A1 only discloses in Figures 1, 6 that, *"Additionally, while viewing videophone message on display device 370, the Set Top Box (STB) 300 with DVAD 600 is configured so as to temporarily suspend playback (i.e., freeze-frame playback) to record an inbound message. This is based on the principle of bandwidth restriction. Host processor 310 can still process an inbound call since the freezing of playback data provides enough bandwidth to process of the incoming message. Once the incoming message has been processed and stored, playback can be re-commerce, [0115]".*

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. **Claims 1-21 are allowed.**

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAI V. NGUYEN whose telephone number is (571)272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hai V. Nguyen/
Examiner, Art Unit 2618

/Matthew D. Anderson/
Supervisory Patent Examiner, Art Unit 2618